

HB3628



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3628

by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

735 ILCS 5/21-101

from Ch. 110, par. 21-101

Amends the Code of Civil Procedure. Makes a technical change in a Section concerning change of name.

LRB099 08750 HEP 28918 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 21-101 as follows:

6 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

7 Sec. 21-101. Proceedings; parties. If any person who is a
8 resident of this State and has resided in this State for 6
9 months desires to change his or her name and to assume another
10 name by which to be afterwards called and known, the ~~the~~ person
11 may file a petition in the circuit court of the county wherein
12 he or she resides praying for that relief. If it appears to the
13 court that the conditions hereinafter mentioned have been
14 complied with and that there is no reason why the prayer should
15 not be granted, the court, by an order to be entered of record,
16 may direct and provide that the name of that person be changed
17 in accordance with the prayer in the petition. The filing of a
18 petition in accordance with this Section shall be the sole and
19 exclusive means by which any person committed under the laws of
20 this State to a penal institution may change his or her name
21 and assume another name. However, any person convicted of a
22 felony in this State or any other state who has not been
23 pardoned may not file a petition for a name change until 10

1 years have passed since completion and discharge from his or
2 her sentence. A person who has been convicted of identity
3 theft, aggravated identity theft, felony or misdemeanor
4 criminal sexual abuse when the victim of the offense at the
5 time of its commission is under 18 years of age, felony or
6 misdemeanor sexual exploitation of a child, felony or
7 misdemeanor indecent solicitation of a child, or felony or
8 misdemeanor indecent solicitation of an adult, or any other
9 offense for which a person is required to register under the
10 Sex Offender Registration Act in this State or any other state
11 who has not been pardoned shall not be permitted to file a
12 petition for a name change in the courts of Illinois. A
13 petitioner may include his or her spouse and adult unmarried
14 children, with their consent, and his or her minor children
15 where it appears to the court that it is for their best
16 interest, in the petition and prayer, and the court's order
17 shall then include the spouse and children. Whenever any minor
18 has resided in the family of any person for the space of 3
19 years and has been recognized and known as an adopted child in
20 the family of that person, the application herein provided for
21 may be made by the person having that minor in his or her
22 family.

23 An order shall be entered as to a minor only if the court
24 finds by clear and convincing evidence that the change is
25 necessary to serve the best interest of the child. In
26 determining the best interest of a minor child under this

1 Section, the court shall consider all relevant factors,
2 including:

3 (1) The wishes of the child's parents and any person
4 acting as a parent who has physical custody of the child.

5 (2) The wishes of the child and the reasons for those
6 wishes. The court may interview the child in chambers to
7 ascertain the child's wishes with respect to the change of
8 name. Counsel shall be present at the interview unless
9 otherwise agreed upon by the parties. The court shall cause
10 a court reporter to be present who shall make a complete
11 record of the interview instantaneously to be part of the
12 record in the case.

13 (3) The interaction and interrelationship of the child
14 with his or her parents or persons acting as parents who
15 have physical custody of the child, step-parents,
16 siblings, step-siblings, or any other person who may
17 significantly affect the child's best interest.

18 (4) The child's adjustment to his or her home, school,
19 and community.

20 (Source: P.A. 94-944, eff. 1-1-07.)